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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



<b>Application Number</b>	10/651,583
<b>Filing Date</b>	August 29, 2003
<b>First Named Inventor</b>	TOPP, Daniel P.
<b>Art Unit</b>	3643
<b>Examiner Name</b>	David J. Parsley
<b>Attorney Docket Number</b>	TOPP-P7.1-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii.  Other Reply and Amendment to Final Office Action mailed 01/13/2005

b.  Enclosed

i. <input type="checkbox"/> Amendment/Reply	iii. <input type="checkbox"/> Information Disclosure Statement (IDS)
ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s)	iv. <input checked="" type="checkbox"/> Other <u>Xmtal w/ Pet Ext Time &amp; FEE FY 2005</u>

2. **Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a.  Deposit Account No. \_\_\_\_\_

- i.  RCE fee required under 37 CFR 1.17(e)
- ii.  Extension of time fee (37 CFR 1.136 and 1.17)
- iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ \_\_\_\_\_ enclosed

c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Mark A. Garzia, Esquire	Registration No. (Attorney/Agent)	35,517
Signature		Date	14 FEBRUARY 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Mark A. Garzia, Esquire	Date	14 February 2005
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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RCE

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICANT : Daniel P. Topp  
TITLE : APPARATUS FOR ERADICATING PESTS  
APPLICATION NO. : 10/651,583  
FILING DATE : August 29, 2003  
EXAMINER : David J. Parsley  
ART UNIT : 3643

TO: Mail Stop - RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\* \* \* \* \*

**CERTIFICATE OF MAILING**

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop - RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on February 14, 2005.

*14 FEB 2005*

Date

*Mark A. Garzia*

\* \* \* \* \*

**TRANSMITTAL ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION**  
Dear Sir:

Transmitted herewith is a Request for Continued Examination (1 pg.) that is responsive to the outstanding Final Office Action in the above-captioned application.

[XX] Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

[ ] It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

**[XX] Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:**

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
[XX] 1 Month	\$120.00	\$ 60.00
[ ] 2 Months	\$450.00	\$225.00
[ ] 3 Months	\$1,020.00	\$510.00
[ ] 4 Months	\$1,590.00	\$795.00
[ ] 5 Months	\$2,160.00	\$1,080.00

[ ] A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

[ ] An Assignment ( pgs.) is enclosed.

[ ] Assignment Cover Sheet (1 pg.)

[ ] An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 ( pgs.) is enclosed.

[ ] Form PTO-1449.

[ ] References

[XX] Fee Transmittal for FY2005 – Form PTO/SB/17 (1 pg.) is enclosed.

[XX] A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

[XX] Other

[XX] Reply to Advisory Action (4 pgs.) is enclosed.

[ ] Figure \_\_\_ with amendments marked in red ink. (1 pg.) is enclosed.

[XX] No additional claim fee is required.

[ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. Two copies of this transmittal are attached.

[ ] Check No. \_\_\_\_ in the amount of \$\_\_\_\_.00 to cover the extension fee is enclosed.

[ ] The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. \_\_\_. Two copies of this transmittal are attached.

[XX] Credit Card Payment Form PTO-2038 in the amount of \$455.00 (for One-Month Extension of Time – \$60, plus RCE fee – \$395) is enclosed to cover the fee due.

Respectfully submitted,

*14 FEB 2005*

\_\_\_\_\_  
Date

*MAG*  
\_\_\_\_\_  
Mark A. Garzia, Esquire  
Registration No. 35,517

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